

Appendix H

FEDERAL RESPONSE PLAN FOR A TERRORISM INCIDENT RESPONSE

NOTE: The information in this appendix is a summary from the FRP's Terrorism Incident Annex.

1. Background

a. In June 1995, the White House issued PDD-39. PDD-39 directs a number of measures to reduce the nation's vulnerability to terrorism, to deter and respond to terrorist acts, and to strengthen capabilities to prevent and manage the consequences of terrorist use of WMD. PDD-39 states that the US will have the ability to respond rapidly and decisively to terrorism directed against Americans wherever it occurs, arrest or defeat the perpetrators using all appropriate instruments against the sponsoring organizations and governments, and provide recovery relief to victims, as permitted by law.

b. Crisis management and CM are discussed in PDD-39. Crisis management includes measures to identify, acquire, and plan the use of resources needed to anticipate, prevent, and/or resolve a threat or an act of terrorism. The laws of the US assign primary authority to the federal government to prevent and respond to acts of terrorism; state and local governments provide assistance as required. Crisis management is predominantly a law-enforcement response. Based on the situation, a federal crisis-management response may be supported by technical operations, and by federal CM, which may operate concurrently (see Figure H-1). Technical operations include actions to identify, assess, dismantle, transfer, dispose of, or decontaminate personnel and property exposed to explosive ordnance or WMD.

c. CM includes measures to protect public health and safety, restore essential government services, and provide emergency relief to governments, businesses, and individuals affected by the consequences of terrorism. The laws of the US assign primary authority to the states to respond to the consequences of terrorism, and the federal government provides assistance as required.

(1) Purpose. The purpose of the FRP's Terrorism Incident Annex, hereafter referred to as the annex, is to describe the federal CONOPS to implement PDD-39, when necessary, and to respond to terrorist incidents within the US. The annex—

- Describes crisis management. Guidance is provided in other federal plans.
- Defines the policies and structures to coordinate crisis management with CM.
- Defines CM, which uses FRP structures (supplemented as necessary, by structures that are normally activated through other federal plans).

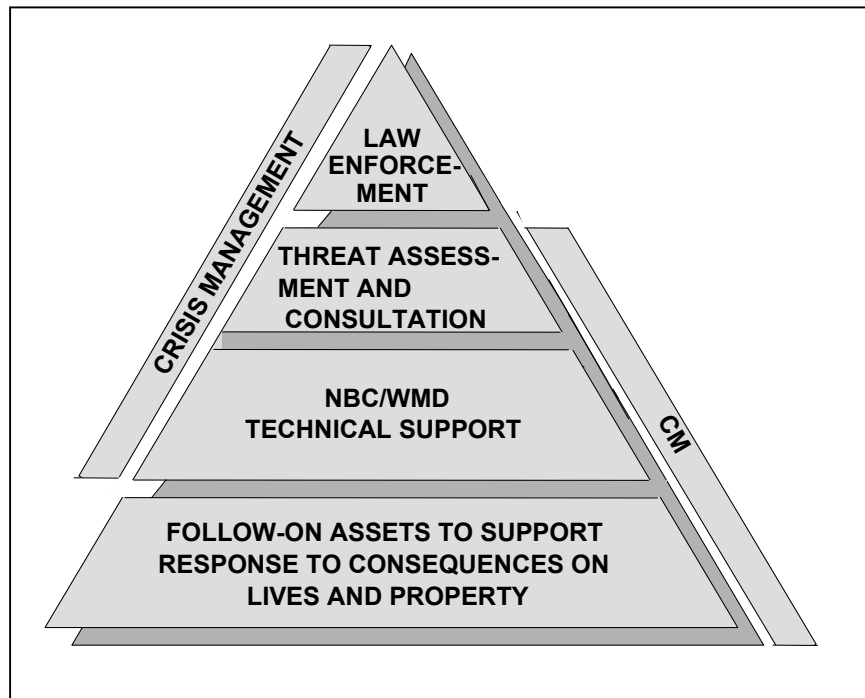


Figure H-1. Relationship Between Crisis Management and CM

(2) Scope.

- The annex applies to all threats or acts of terrorism within the US requiring a federal response as determined by the White House.
- The annex applies to all federal departments and agencies that may be directed to respond to a threat or an act of terrorism within the US.
- The annex builds upon FRP concepts and procedures by addressing unique policies, assumptions, structures, responsibilities, and actions that will be applied for CM as necessary.

2. Policies

a. **Lead-Agency Responsibilities.** PDD-39 validates and reaffirms existing federal lead agency (FLA) responsibilities for counterterrorism, which are assigned to the DOJ (as delegated to the FBI) for threats or acts of terrorism within the US. The FBI operates as a on-scene manager. It is the FBI's policy that crisis management will involve only those federal agencies that it requests to provide expert guidance and/or assistance, as described in the PDD-39's Domestic Guidelines (Classified) and the FBI's Incident Contingency Plans (CONPLAN's). Unclassified versions of the PDD-39's Domestic Guidelines and the FBI's Incident CONPLANs are incorporated into this appendix.

b. Consequence Management. PDD-39 states that FEMA shall ensure that the FRP is adequate to respond to the consequences of terrorism. FEMA, with the support of all agencies in the FRP, shall act in support of the FBI in Washington, District of Columbia, and on the scene of the crisis, until such time as the Attorney General shall transfer the lead-agency role to FEMA (see Figure H-2). FEMA retains responsibility for CM throughout the federal response and acts in support of the FBI (as appropriate), until the Attorney General, in consultation with the FBI Director and the FEMA Director, determines that such support is no longer required. It is FEMA's policy to use FRP structures to coordinate all federal assistance to state and local governments for CM.

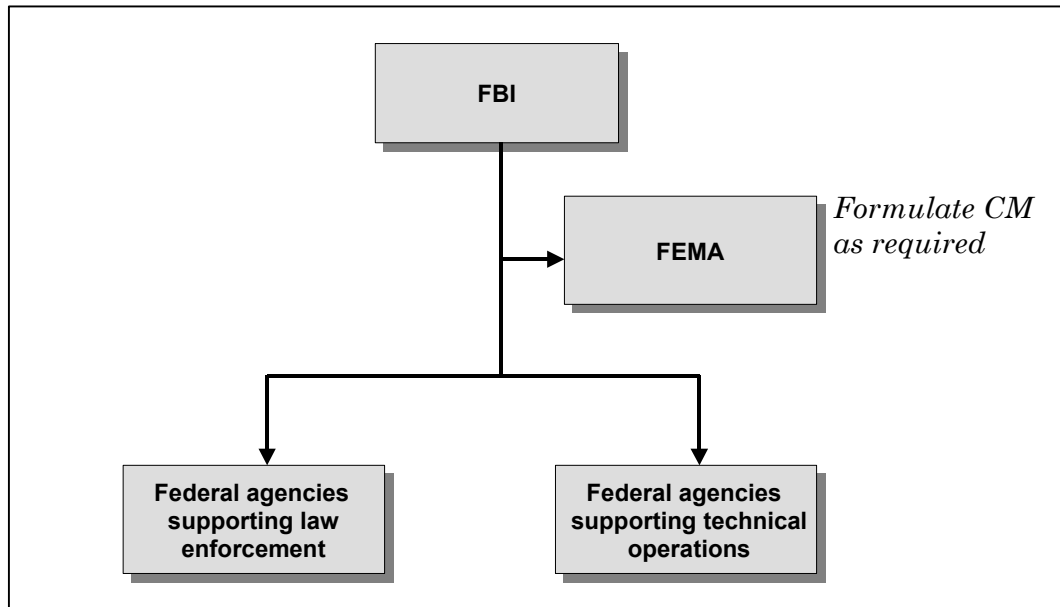


Figure H-2. Relationship Among Federal Agencies Under PDD-39

c. Costs. PDD-39 states that federal agencies directed to participate in the resolution of terrorist incidents or conduct counterterrorist operations shall bear the costs of their own participation, unless otherwise directed by the President.

3. Situation

a. Conditions.

(1) A general concern or actual threat of an act of terrorism occurring at or during a special event within the US may cause the President to direct federal agencies to implement precautionary measures that may include some of the CM actions described in this appendix. When directed, FEMA will coordinate with the FBI and the affected state to identify potential CM requirements and with federal CM agencies to implement increased readiness operations.

(2) A significant threat or act of terrorism may cause the FBI to respond to and implement a crisis-management response as described in this appendix. FBI requests for

assistance from other federal agencies will be coordinated through the Attorney General and the President with coordination of National Security Council (NSC) groups as warranted. During the course of a crisis-management response, the occurrence of an incident without warning that produces major consequences involving NBC/WMD may cause the President to direct FEMA to implement a CM response as described in this appendix.

(3) FEMA will exercise its authorities and provide concurrent support to the FBI, as appropriate, to the specific incident.

b. Planning Assumptions.

(1) No single agency at the local, state, federal, or private level possesses the authority and the expertise to act unilaterally on many difficult issues that may arise in response to threats or acts of terrorism, particularly if NBC/WMD are involved.

(2) An act of terrorism, particularly an act directed against a large population center within the US involving NBC/WMD, may produce major consequences that would overwhelm the capabilities of may local and state governments almost immediately. Major consequences involving NBC/WMD may overwhelm existing federal capabilities as well.

(3) Local, state, and federal responders may define working perimeters that may overlap to some degree. Perimeters may be used to control access to the area, target public-information messages, assign operational sectors among responding organizations, and assess the potential effects on the population and the environment. Control of these perimeters may be enforced by different authorities, which may impede the overall response if adequate coordination is not established.

(4) If protective capabilities are not available, responders cannot be required to put their own lives at risk in order to enter a perimeter contaminated with NBC material. It is possible that the perimeter will be closed until the effects of the NBC material have degraded to levels that are safe for first responders. Responders should be prepared for secondary devices.

(5) This appendix may be implemented in situations involving major consequences in a single state or multiple states. The FBI will establish coordination relationships among their field offices and with federal agencies supporting crisis management, including FEMA, based on the locations involved.

(6) This appendix may be implemented in situations that also involve consequences in neighboring nations. The DOS is responsible for coordination.

4. Concept of Operations

a. Crisis Management.

(1) PDD-39 reaffirms the FBI's responsibility for a crisis-management response to threats or acts of terrorism that take place within US territories or in international

waters and do not involve the flag vessel of a foreign country. The FBI provides a graduated flexible response to a range of incidents, including the following:

- A credible threat, which may be presented in verbal, written, intelligence-based, or another form.
- An act of terrorism that exceeds the local FBI's field-division capability to resolve.
- The confirmed presence of an explosive device or a WMD capable of causing a significant destructive event, before actual injury or property loss (e.g., a significant threat).
- The detonation of an explosive device, the use of a WMD, or the use of another destructive device, with or without warning, that results in limited injury or death (e.g., limited consequences/state and local CM response).
- The detonation of an explosive device or the use of another destructive weapon, with or without warning, that results in substantial injury or death (e.g., major consequences/federal CM response).

(2) In response to a credible threat involving NBC/WMD, the FBI initiates a threat-assessment process that involves close coordination with federal agencies that have technical expertise to determine the viability of the threat from a technical, as well as a tactical and behavioral standpoint.

(3) The FBI provides the initial notification to law-enforcement authorities within the affected state of a threat or occurrence that the FBI confirms as an act of terrorism. If warranted, the FBI implements an FBI response and simultaneously advises the Attorney General, who notifies the President and NSC groups as warranted, that a federal crisis-management response is required. If a federal crisis-management response is authorized, the FBI activates multiagency crisis-management structures at FBI HQ and the incident site and the responsible FBI field office (see Figure H-3). (The FBI provides guidance on the crisis-management response in the FBI Nuclear/Incident Contingency Plan [Classified] and the FBI Chemical-Biological Incident Contingency Plan [classified].)

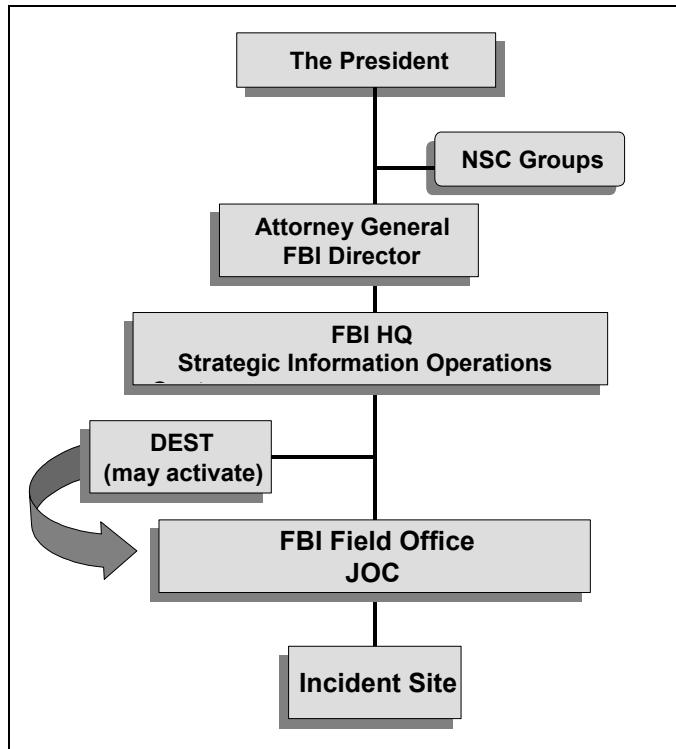


Figure H-3. Multiagency Crisis-Management Structures

(4) Federal agencies requested by the FBI, including FEMA, will deploy a representative to the FBI HQ Strategic Information and Operation Center (SIOC) and take other actions as necessary and appropriate to support crisis management. These representatives will remain deployed to the SIOC as long as deemed necessary by the FBI HQ.

(5) If the threat involves NBC/WMD, the FBI Director may recommend to the Attorney General, who notifies the President and NSC groups as warranted, to deploy a Domestic Emergency Support Team (DEST). The mission of the DEST is to provide expert advice and assistance to the FBI OSC related to the capabilities of the DEST agencies and to coordinate follow-on response assets. When deployed, the DEST merges into the existing JOC structure. (Authorization and coordination procedures and the interagency organizational structure for the DEST are outlined in the PDD-39 Domestic Guidelines [classified].)

(6) During crisis management, the FBI coordinates closely with local law-enforcement authorities to provide a successful law-enforcement resolution to the incident. The FBI also coordinates with other federal authorities, including FEMA. The FBI field office responsible for the incident site modifies its CP to function as a JOC. The JOC structure includes the following standard groups: command, operations, support, and CM. Representation within the JOC includes some federal, state, and local agencies with roles in CM. FEMA notifies federal, state, and local CM agencies selected by the FBI OSC to request that they deploy representatives to the JOC. Selected federal, state, and local CM agencies may be requested to serve in the JOC command group, the JOC support

group/media component, and the JOC CM group (see Figure H-4, shaded boxes). The FBI OSC and the senior FEMA official at the JOC will provide, or obtain from higher authority, an immediate resolution of conflicts in priorities for allocation of critical federal resources (such as airlift or technical-operations assets) between the crisis-management and the CM response.

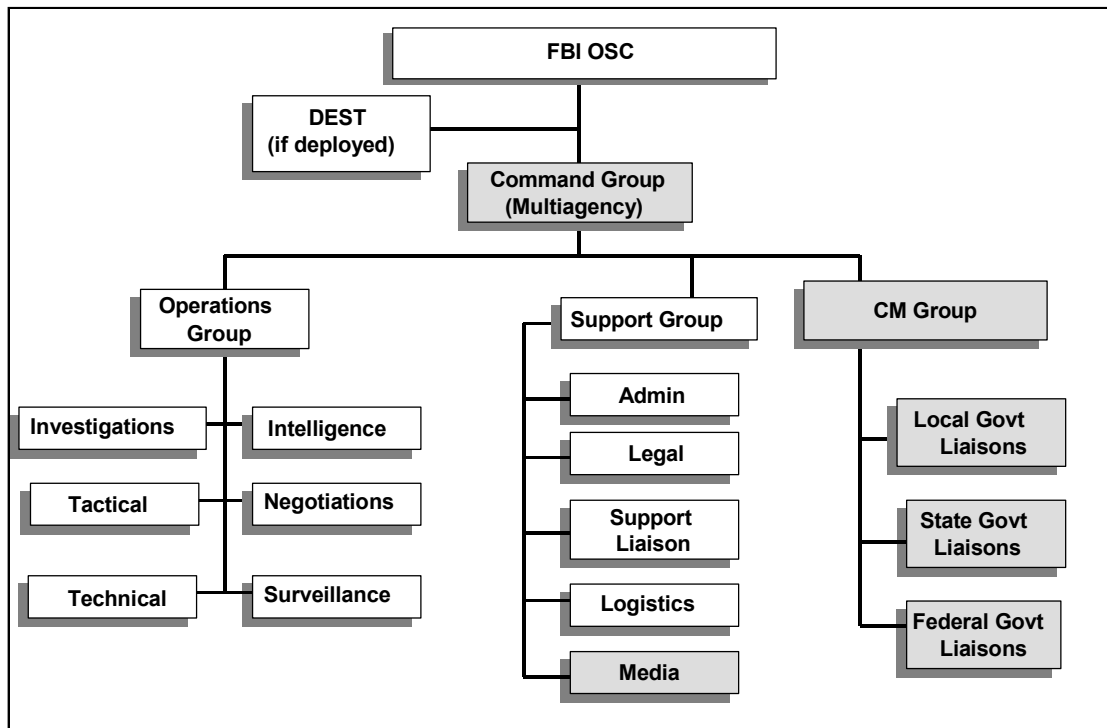


Figure H-4. FBI JOC Structure

(7) A FEMA representative coordinates the actions of the JOC CM group, expedites activation of a federal CM response should it become necessary, and works with a FBI representative who serves as the liaison between the CM group and the FBI OSC. The JOC CM group monitors the crisis-management response in order to advise on decisions that may have implications for CM and to provide continuity should a federal CM response become necessary. Coordination also will be achieved through the exchange of operational reports on the incident. Because reports prepared by the FBI are law-enforcement sensitive, FEMA representatives with access to the reports will review them to identify and forward information to ESF Number 5, which may affect operational priorities and action plans for CM.

b. Consequence Management.

(1) Preincident (Prerelease).

- The FBI may notify federal agencies, including FEMA, of a significant threat or an act of terrorism. Federal agencies requested by the FBI, including FEMA, will deploy a representative to the FBI HQ SIOC. Based on the circumstances, FEMA HQ and

the responsible FEMA region may implement a standard procedure to alert involved FEMA officials and federal agencies supporting CM. FEMA and other federal agencies requested by the FBI OSC will deploy representatives to the JOC(s) being established by the responsible FBI field office. Representatives may include a senior official to serve in the JOC command group to assist the FBI OSC and to provide continuity in leadership should a federal CM response be required.

- Issues arising from the response that affect multiple agency authorities and areas of expertise will be discussed by the FBI OSC and the other members of the JOC command group who are all working in consultation with other local, state, and federal representatives. While the FBI OSC retains authority to make federal crisis-management decisions at all times, operational decisions are made cooperatively to the greatest extent possible.

- The JOC command group ensures coordination of federal crisis-management and CM actions. FEMA deploys representatives with the DEST and deploys additional staff for the JOC, as required, to provide support to the FBI regarding CM. FEMA determines the appropriate agencies to staff the JOC CM group and advises the FBI. Representatives may be requested for the JOC command group, the JOC CM group, and the JIC.

- As a situation progresses, consequences may become imminent. FEMA will consult immediately with the White House and the governor's office to determine if it is authorized by the Stafford Act to assign federal CM agencies to predeploy assets to lessen or avert the threat of a catastrophe. These actions will involve appropriate notification and coordination with the FBI (the overall LFA for counterterrorism).

- FEMA HQ may activate an Emergency Support Team (EST), convene an executive-level meeting of the Catastrophe Disaster Response Group (CDRG), and place an Emergency Response Team–National (ERT-N) on alert. When FEMA activates the EST, it will notify FBI HQ to request a liaison. The responsible FEMA region may activate a Regional Operations Center (ROC) and deploy a representative to the affected state (see Figure H-5). When the responsible FEMA region activates a ROC, it will notify the responsible FBI field office to request a liaison.

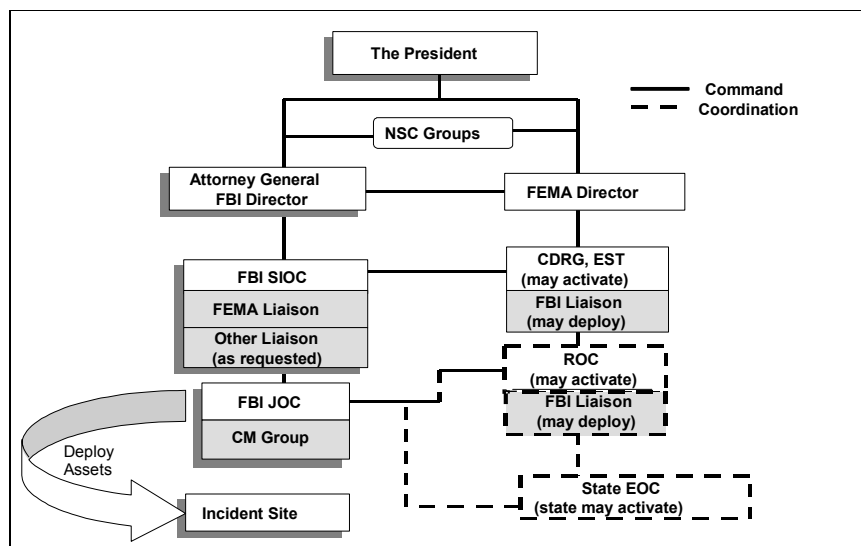


Figure H-5. Preincident CM

(2) Trans-Incident (Situations involving a transition from a threat to an act of terrorism).

- If consequences become imminent or occur that cause the President to direct FEMA to implement a federal CM response, then FEMA will initiate procedures to activate additional FRP structures (the EST, the CDRG, the ROC, and a DFO, if necessary). Federal, state, and local CM agencies will begin to disengage from the JOC (see Figure H-6). The senior FEMA official and liaisons will remain at the JOC until the FBI and FEMA agree that a liaison presence is no longer required.

(3) Postincident (Situations without warning).

- If an incident occurs without warning that produces major consequences and appears to be caused by an act of terrorism, then FEMA and the FBI will initiate CM and crisis-management actions concurrently. FEMA will consult immediately with the White House and the governor's office to determine if a federal CM response is required. If the President directs FEMA to implement a federal CM response, then FEMA will implement portions of this appendix and other FRP annexes as required. FEMA will support the FBI as required and will lead a concurrent federal CM response.

- The overall LFA (either the FBI or FEMA when the Attorney General transfers the overall LFA role to FEMA) will establish a JIC in the field, under OPCON of the overall LFA's Public Information Officer. Throughout the response, agencies will continue to coordinate incident related information through the JIC. FEMA and the FBI will ensure that appropriate spokespersons provide information concerning the crisis-management and CM responses. Before a JIC is activated, PA offices of responding federal agencies will coordinate the release of information through the FBI SIOC.

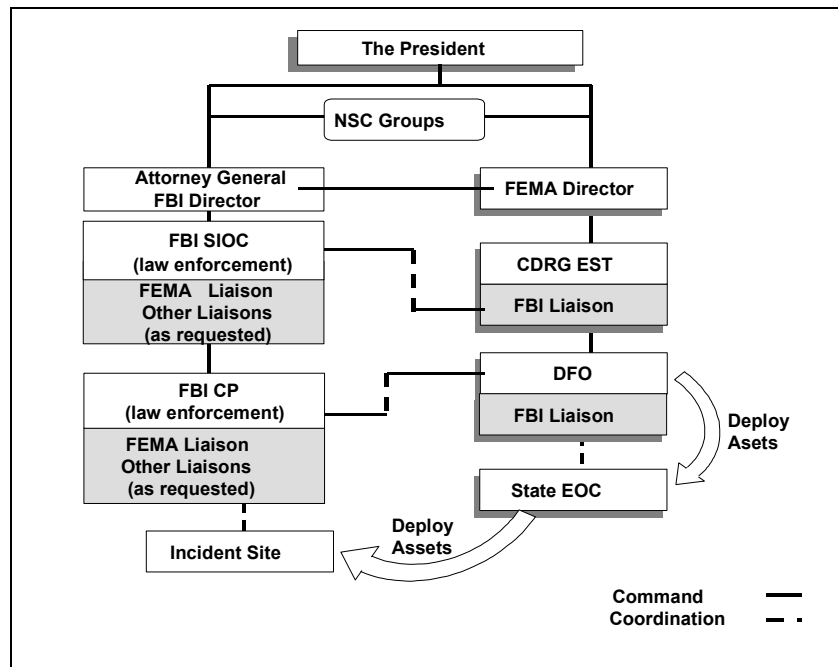


Figure H-7. Postincident CM

5. Responsibilities

a. DOJ. PDD-39 validates and reaffirms existing lead-agency responsibilities for all facets of the US counterterrorism effort. The DOJ is designated as the overall LFA for threats or acts of terrorism that take place within the US until the Attorney General transfers the overall LFA role to FEMA. The DOJ delegates this overall role to the FBI for the operational response. On behalf of the DOJ, the FBI will—

(1) Consult with and advise the White House, through the Attorney General, on policy matters concerning the overall response.

(2) Designate and establish a JOC in the field.

(3) Appoint an FBI OSC to manage and coordinate the federal operational response (crisis management and CM). As necessary, the FBI OSC will convene and chair meetings with operational decision makers representing lead state and local crisis-management agencies, FEMA, and lead state and local CM agencies in order to provide an initial assessment of the situation, develop an action plan, monitor and update operational priorities, and ensure that the overall response is consistent with US law and achieves the policy objectives outlined in PDD-39.

(4) Issue and track the status of actions assigned by the overall LFA.

b. FBI. Under PDD-39, the FBI supports the overall LFA by operating as the lead agency for crisis management. The FBI will—

(1) Determine when a threat or an act of terrorism warrants consultation with the White House, through the Attorney General.

(2) Establish the primary federal operations centers in the field and in Washington, District of Columbia, for crisis management.

(3) Designate appropriate liaison and advisory personnel to support FEMA.

(4) Advise the White House, through the Attorney General, when it requires assistance for a federal crisis-management response, according to the PDD-39.

(5) Work with FEMA to establish and operate a JIC in the field as the focal point for information to the public and the media concerning the federal response to the emergency.

(6) Issue and track the status of crisis-management actions that it assigns.

(7) Appoint an FBI OSC (or subordinate official) to manage and coordinate the crisis-management response. Within this role, the FBI OSC will convene meetings with operational decision makers representing federal, state, and local law-enforcement and technical-support agencies, as appropriate, to formulate incident action plans, define priorities, resolve conflicts, identify issues that require decisions from higher authorities, and evaluate the need for additional resources.

c. FEMA. PDD-39 clarifies and expands upon the responsibilities of FEMA as the LFA for CM. FEMA will—

(1) Appoint a ROC Director or FCO to manage and coordinate the federal CM response in support of state and local governments. In coordination with the FBI, the ROC Director or FCO will convene meetings with decision makers of federal, state, and local emergency management and technical support agencies, as appropriate, to formulate incident action plans, define priorities, resolve conflicts, identify issues that require decisions from higher authorities, and evaluate the need for additional resources.

(2) Issue and track the status of CM actions that is assigns.

(3) Establish the primary FCOs in the field and in Washington, District of Columbia, for a CM response.

(4) Designate appropriate liaison and advisory personnel to support the FBI.

(5) Determine when consequences are “imminent” for purposes of the Stafford Act.

(6) Consult with the White House and the governor's office to determine if a federal CM response is required and if FEMA is directed to use Stafford Act authorities. This process will involve appropriate notification and coordination with the FBI (the overall LFA).

(7) Work with the FBI to establish and operate a JIC in the field as the focal point for information to the public and the media concerning the federal response to the emergency.

d. Federal Agencies Supporting Technical Operations.

(1) Department of Defense. As directed in PDD-39, the DOD will activate technical operations capabilities to support a federal response to threats or acts of nuclear/WMD terrorism. As required under the Constitution and laws of the US, DOD will coordinate military operations within the US with the appropriate civilian lead agency for technical operations.

(2) Department of Energy. As directed in PDD-39, the DOE will activate nuclear response capabilities to support a federal response to threats or acts of nuclear/WMD terrorism. The DOE may coordinate with individual agencies identified and use the structures, relationships, and capabilities described in the FRERP to support response operations. The FRERP does not require formal implementation. Under the FRERP—

- The federal OSC will coordinate the FRERP response with the FEMA official (either the senior FEMA official at the JOC, the ROC Director or the FCO) who is responsible under PDD-39 for on-scene coordination of all federal support to state and local governments (see Figure H-8).

- The FRERP response may include on-site management; radiological monitoring and assessment; development of federal protective action recommendations; and the provision for information to the public, the White House, Members of Congress, and foreign governments on the radiological response. The LFA of the FRERP will serve as the primary federal source of information regarding on-site radiological conditions and off-site radiological effects.

- The LFA will issue taskings that draw upon funding from the responding FRERP agencies.

(3) Department of Health and Human Services. As directed in PDD-39, the DHHS will activate health and medical response capabilities to support the federal response to threats or acts of NBC/WMD terrorism. The DHHS may coordinate with individual agencies identified and use the structures, relationships, and capabilities described in the DHHS Health and Medical Services Support Plan for the Federal Response to Acts of Chemical-Biological Terrorism to support response operations. If the DHHS plan is implemented—

- The DHHS on-scene representative will coordinate, through the ESF Number 8 Health and Medical Service Leader, the DHHS plan response with the FEMA official (either the senior FEMA official at the JOC, the ROC Director or the FCO) who is responsible under PDD-39 for on-scene coordination of federal support to state and local governments (see Figure H-8).

- The DHHS plan response may include threat assessment, consultation, agent identification, epidemiological investigations, hazard detection and reduction, decontamination, and public health, medical, and pharmaceutical support operations.

- The DHHS will issue taskings that draw upon funding from the responding DHHS plan agencies.

(4) Environmental Protection Agency. As directed in PDD-39, the EPA will activate environmental response capabilities to support the federal response to acts of NBC/WMD terrorism. If the NCP is implemented—

- The HAZMAT OSC under the NCP will coordinate, through the ESF Number 10 primary federal agency, with the FEMA official (either the senior FEMA official at the JOC, the ROC Director, or the FCO) who is responsible under PDD-39 for on-scene coordination of all federal support state and local governments (see Figure H-8).

- The NCP response may include threat assessment, consultation, agent identification, hazard detection and reduction, environmental monitoring, decontamination, and long-term site restoration (environmental clean up) operations.

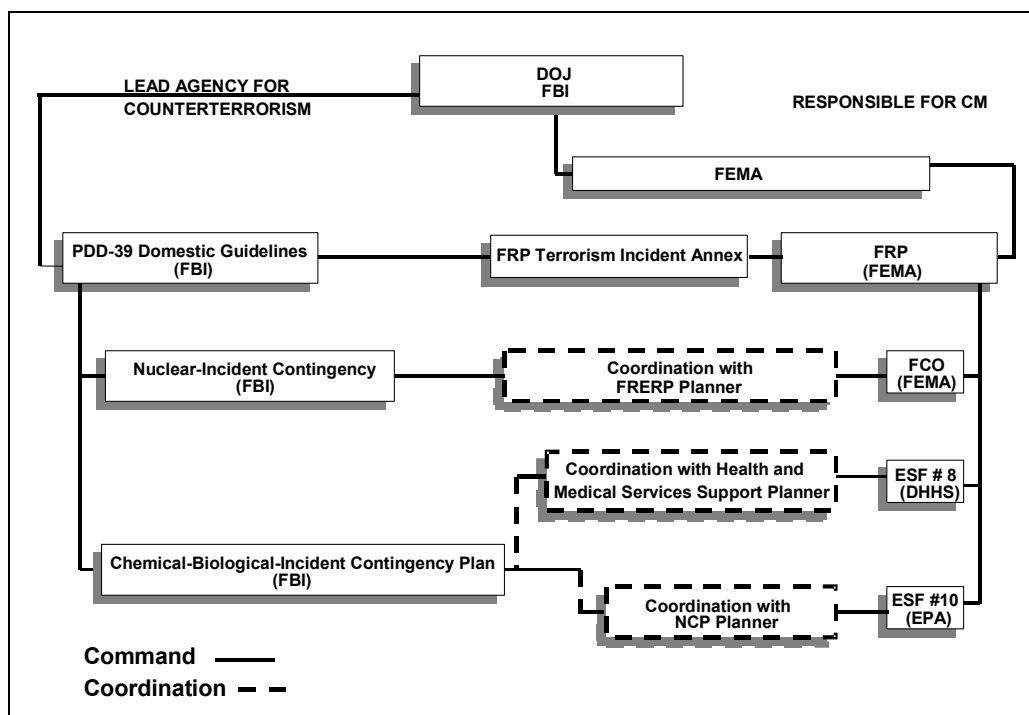


Figure H-8. Relationships Among Federal Plans to Implement PDD-39

6. Funding Guidelines

a. As stated in PDD-39, federal agencies directed to participate in the resolution of terrorist incidents or conduct counterterrorist operations bear the costs of their own participation, unless otherwise directed by the President. This responsibility is subject to specific statutory authorization to provide support without reimbursement. In the absence of such specific authority, the Economy Act applies and reimbursement cannot be waived. This does not preclude federal agencies from reallocating funds from current agency operating budgets, accepting reimbursable work orders offered by other federal agencies, and/or submitting requests for supplemental appropriation to the Office of Management and Budget (OMB) for consideration.

b. FEMA can use limited predeployment authorities in advance of a Stafford Act declaration to lessen or avert the threat of a catastrophe only if the President expresses intention to go forward with a declaration. This authority is further interpreted by congressional intent to the effect that the President must determine that assistance under existing federal programs is inadequate to meet the crisis before FEMA may directly intervene under the Stafford Act. The Stafford Act authorizes the President to issue “emergency” and “major disaster” declarations.

(1) Emergency declarations may be issued in response to a governor’s request or in response to those rare emergencies, including some acts of terrorism, for which the federal government is assigned in the laws of the US the exclusive or preeminent responsibility and authority to respond.

(2) Major-disaster declarations may be issued in response to a governor’s request for any natural catastrophe or—regardless of cause—any fire, flood, or explosion that has caused damage of sufficient severity and magnitude (as determined by the President) to warrant major-disaster assistance under the Stafford Act.

(3) If a Stafford Act declaration is provided, funding for CM may continue to be allocated from the responding agency’s operating budgets, the Disaster Relief Fund (DRF), and supplemental appropriations.

c. If the President directs FEMA to use Stafford Act authorities, it will issue mission assignments through the RFP to support CM.

(1) Mission assignments are reimbursable work orders, issued by FEMA to federal agencies, directing completion of specific tasks. Although the Stafford Act states that “federal agencies may be reimbursed for expenditures from the DRF,” it is FEMA’s policy to reimburse federal agencies for eligible work performed under mission assignments.

(2) Mission assignments issued to support CM will follow FEMA’s SOP for the management of mission assignments or applicable superseding documentation.

d. FEMA provides the following funding guidance to the FRP agencies:

(1) Special Events and the Stafford Act. Commitments by individual agencies to take precautionary measures in anticipation of special events will not be reimbursed under the Stafford Act, unless mission-assigned by FEMA to support CM.

(2) Crisis Management/Law Enforcement and the Stafford Act. Stafford Act authorities do not pertain to law-enforcement functions. Law enforcement or crisis-management actions will not be mission-assigned for reimbursement under the Stafford Act.